

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

WILLIAM PRIMO,

Plaintiff,

v.

Case No. 3:13-cv-64-J-32MCR

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY, a Florida insurance
corporation,

Defendant.

ORDER

This uninsured/underinsured motorist coverage case comes before the Court after a four-day jury trial. On September 12, 2014, the jury returned a verdict finding that the accident in this case had caused \$50,000 in damages for past medical expenses and \$7,560 in past lost earnings. However, the jury also found that the accident caused \$0 in future medical expenses and that Plaintiff William Primo had not sustained a permanent injury in the accident. The jury therefore did not reach the questions of past or future noneconomic damages.

Before the trial, the parties stipulated that the jury would not be presented with any evidence relating to collateral sources and that the Court would decide any collateral source issues, including any potential setoffs, post-trial. (Doc. 69, ¶10(3), (4).) Based on its review of the law, the Court concludes that the parties should submit their briefs and their evidence on these issue before final judgment is entered.

Moreover, because each side may have some burden of proof, see State Farm Mut. Auto Ins. Co. v. Vecchio, 744 So. 2d 570, 571 (Fla. 2d DCA 1999), the Court concludes that they should submit their briefs simultaneously. Accordingly, it is hereby

ORDERED:

1. On or before **October 6, 2014**, the parties should file their opening briefs on issues relating to the impact of collateral sources on final judgment in this case.

2. On or before **October 20, 2014**, the parties should file any responsive briefs.

DONE AND ORDERED at Jacksonville, Florida this 15th day of September, 2014.


TIMOTHY J. CORRIGAN
United States District Judge

bjb

Copies:

Counsel of record